



*Vermont
State Employee's
Guide To
Workers' Compensation
And Injury Prevention*



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GENERAL INFORMATION

You are receiving this booklet to help explain workers' compensation for State of Vermont Legislative, Executive, and Judicial branch employees. *You should not use this booklet as a substitute for legal advice.* The material contained in this guide is only a reference. This booklet will provide answers to your most frequently asked questions about workers' compensation.

What Is Workers' Compensation?

Workers' Compensation (WC) is "no-fault" insurance that provides medical and disability benefits for injury/illness, disability, or death that happens in the course of employment.

Who Is Eligible For This Coverage?

Employees of the Executive, Judicial, or Legislative branches of Vermont State Government are covered. Temporary employees and authorized volunteers are also eligible. Independent contractors and their employees hired by the State of Vermont for specific contracted services are not covered.

Who Provides Workers' Compensation?

The State of Vermont, Office of State Employee Workers' Compensation & Injury Prevention (WCP) administers the State of Vermont Workers' Compensation Program. WCP serves as the insurance carrier for covered employees. WCP assigns a Claims Adjuster (Adjuster), a Medical Case Manager (MCM) and a Workplace Safety Coordinator (WSC) to each claim.

CLAIMS TEAM

What Is the Adjuster's Role?

The adjuster reviews each claim to decide if the injury/illness is compensable (eligible for benefits) according to the law.

The adjuster is responsible for:

- all of the financial, medical, and legal aspects of a workers' compensation claim
- obeying Vermont statute and the Vermont Department of Labor (VDOL) rules
- processing VDOL forms
- issuing payments to both you and your medical providers
- reviewing medical services
- coordinating the exchange of information
- helping you return to work

What is the Medical Case Manager's Role?

The medical case manager plans and coordinates health care services to support your recovery.

The medical case manager is responsible for:

- helping you return to pre-injury/illness baseline
- coordinating and monitoring medical treatment and progress
- obtaining medical documentation
- reviewing medical services and utilization
- working with the adjuster to ensure appropriate and cost effective treatment
- coordinating your release to work with your health care providers

What is the Injured Worker's Role?

Your role is to promptly report an injury, focus on your recovery, and maintain contact with the WCP team and your employer throughout the claims process.

The Injured Worker is responsible for:

- reporting the injury to the supervisor
- reporting any unsafe or unhealthy working conditions to Workplace Safety at riskhelp@state.vt.us
- submitting required forms to WCP as soon as possible
- notifying the MCM of all changes in their medical condition, work status, and work capacity
- submitting completed Work Capacity forms to their supervisor and WCP immediately following every medical appointment.
- updating their supervisor and MCM with any changes in their work status and/or work capacity
- faxing their timesheet to WCP at (802)828-0410, or e-mailing it to riskhelp@state.vt.us no later than the last Friday of the pay period, if they are out of work due to their injury,
- contacting the Payroll Division at (802) 828-2314 if they lose time from work due to their injury

What is the Workplace Safety Coordinator's Role?

The Workplace Safety Coordinator's (WSC) goal is to prevent injuries through on-site safety evaluations, safety consultation, accident investigations, injury review, training, and ergonomic evaluations.

The WSC reviews all reported WC claims and incidents daily. They will contact the injured worker to gather more information and specifics in the reported injury. Based on that information, the WSC may also schedule an on-site evaluation with you, your immediate supervisor, and any other stakeholders.

The Workplace Safety Coordinator is responsible for:

- reviewing the reported injury
- providing and documenting either a phone or on-site review of the reported injury
- identifying safety hazards
- making recommendations to prevent future injuries
- reporting recommendations to appropriate managers, supervisors or other stakeholders
- working to ensure that your workplace is a safe place to work

If you have a safety concern in your workplace, please contact the State Employee Workers' Compensation and Injury Prevention Office.

Remember: Safety is no accident!

WORKPLACE SAFETY

How Do I Report Unsafe or Unhealthy Work Conditions?

Identification and reporting of potentially unsafe or unhealthy working conditions is the responsibility of all state employees. Detection of unsafe or unhealthy working conditions at the earliest possible time and prompt correction of hazards at the lowest possible working level is critical to preventing injury.

All state employees are encouraged to report unsafe and unhealthy working conditions to their immediate supervisor who will promptly investigate the situation and take appropriate actions. Workplace Safety is available to assist all departments in these efforts.

What is the Ergonomic Evaluation Process?

WC may request an ergonomic evaluation of your workstation if indicated for your injury. In this situation, you will receive a phone call from the WSC to schedule a meeting time. The WSC will complete a workstation evaluation and create an ergonomic report. The report may include a description of job duties, description of injury, equipment defects, corrective actions at the time of the assessment, and recommendations for additional corrective actions, equipment or additional training needs.

This report will be distributed to your WC claims team and your Human Resources Administrator.

THE FIRST TWENTY-ONE DAYS

What is included in my Initial Contact Package?

- this booklet
- a Tmesys First-fill prescription card. Simply present this card to a participating pharmacy to fill prescriptions for your work related injury.
- an Office of State Employee Workers' Compensation & Injury Prevention Claim Questionnaire Form,
- Medical Authorization (VDOL Form 7)
- and Certificate of Dependency and Concurrent Employment(VDOL Form 10).

You must complete these forms and return them to WCP as soon as possible. *Failure to sign and return the Medical Authorization (VDOL Form 7) will result in a denial of your claim.*

When Will A Decision Be Made On My Claim?

After you file a claim, the adjuster has twenty-one (21) calendar days to decide if you are entitled to benefits.

What If My Claim Is Approved?

You will receive an acceptance letter stating that you are eligible for workers' compensation benefits.

What If My Claim Is Denied?

If your claim is denied, your adjuster will notify you by telephone. You will also receive a written explanation of the decision along with notification of your right to appeal.

What If I Disagree With The Denial?

WCP may have denied your claim because information is missing. If you can provide that information, call your adjuster. The adjuster may reverse the decision based on the new information.

If the decision is not reversed and you wish to appeal, you may complete the appeal section of the Denial of Workers' Compensation Benefits (VDOL Form 2) and submit it with supporting documentation to VDOL and WCP.

VDOL may schedule an informal hearing, which is a telephone conference. During the hearing, you and the adjuster will both present information for VDOL to consider. Then the VDOL specialist will make a decision based on the evidence.

MEDICAL BENEFITS AND EXPENSES

Who Chooses The Doctor?

You have the right to seek treatment with the medical provider of your choice.

Will My Medical Expenses Be Paid?

Workers' compensation provides coverage for all reasonable and necessary medical treatment that is related to your work injury/illness. WCP will pay for this treatment once your claim is approved. You must also complete and return your Medical Authorization (VDOL Form 7) in order for your medical bills to be paid.

When you attend an appointment, you should tell the treating physician that you have filed a workers' compensation claim for your injury/illness. This will allow your physician to directly bill WCP. In the event that you do receive a bill pertaining to your workers' compensation injury/illness, forward it to WCP.

What Other Expenses Will Be Paid?

WCP will pay all allowable expenses related to a workers' compensation claim. These expenses may include prescriptions, mileage to and from medical appointments, and meals and lodging where distant travel is unavoidable.

You should submit any expense reimbursement requests to WCP. Mileage reimbursement request forms are available on the website (http://bgs.vermont.gov/workers_comp) or by contacting the WCP office.

TEMPORARY DISABILITY BENEFITS

What Is Temporary Disability?

Temporary Total Disability (TTD) is when you have a written statement from your treating physician that you are temporarily unable to work.

Temporary Partial Disability (TPD) is when you have a written statement from your treating physician that releases you to return to part-time work.

Will I Be Paid For My Absence From Work?

You may be paid for lost time (TTD or TPD Benefits) if it is related to your work injury. It will only be covered if you have a current disability note or a Work Capabilities Form (VDOL Form 20) from a medical provider.

Temporary disability benefits are paid if you are out of work for more than three (3) full calendar days or if you are restricted to part-time work for more than seven (7) calendar days. In certain situations these waiting periods are waived.

You must send disability notes to WCP and to your department's Human Resource (HR) office immediately following each physical examination. These notes should also say what job-related activities you can perform. Your employer may be able to provide work based on this note. *It is your responsibility to provide this documentation. Failure to comply may affect your benefits.*

How Much Will I Be Paid?

Your adjuster will calculate your Average Weekly Wage (AWW) based on your gross earnings during the twenty-six weeks prior to your date of injury or date of disability. WCP will obtain this information from HR.

WCP will use your AWW to figure your Workers' Compensation Benefit Rate (WCBR). Your WCBR is the weekly amount that you will receive in your paycheck while you are completely out of work.

If you are eligible for TTD benefits, your WCBR is approximately two-thirds of your average weekly wage. You may also receive a \$10.00 weekly supplement for each dependent child. There are minimum and maximum amounts that may apply.

If you are eligible for TPD benefits, WCP will subtract the wages you earned from your AWW and pay you 2/3 of the difference. TPD benefits do not include the \$10.00 weekly supplement for each dependent child.

Workers' Compensation benefits are non taxable.

Once your WCBR has been calculated, the adjuster will send you forms showing your benefit amount. These forms may include:

- Agreement for Temporary Total Disability Compensation (VDOL Form 21)
- Agreement for Temporary Partial Disability (VDOL Form 24)

You must sign and return all of these forms. Your adjuster will then submit to VDOL for approval.

What If I Have An Additional Employer?

If you worked for anyone other than the State during the twenty-six weeks prior to your date of injury or disability, you must notify your adjuster.

You are also legally obligated to promptly report any work, earnings, wages, or benefits received while collecting temporary disability payments. You must provide this information to WCP and to the VDOL. Failure to provide this information could result in legal penalties and/or discontinuance of your benefits.

How Will I Receive Temporary Disability Payments?

Temporary disability payments will be included in your regular State of Vermont paycheck.

How Do I Complete My Timesheet If I Am Unable To Work?

In order to process your check on time, WCP must receive a copy of your timesheet no later than the last Friday of the pay period. You must fax or e-mail the timesheets to WCP. *If WCP does not receive your timesheet by the due date, you may not receive your benefit check on time.*

Use Code 24 for the number of hours you are absent from work as a result of a work-related injury/illness and you have filed a claim.

If you wish to receive a paycheck equal to your regular base salary, you may supplement your WCBR using available leave balances. You must begin by using sick leave. The amount of time you may use is limited to the difference between your WCBR and your AWW.

When completing your time report, you must state that you wish to supplement. For example, "supplement with sick leave". *It is your responsibility to request a supplement each pay period.* If you have questions about the process of submitting your timesheet, contact HR.

How Do I Complete My Timesheet If I Am Back To Work But Need To Attend A Medical Appointment?

You are allowed release time from work to attend reasonable and necessary medical appointments related to your workers' compensation injury.

Time for medical appointments includes reasonable travel time between the workplace and the location of the appointment.

Use Code 27 on your time sheet to report these appointments and indicate "WC Medical Appointment" in the comment section. You will receive full salary for all hours reported with Code 27, without loss of leave time.

If you cannot schedule your appointments outside of normal working hours, you should schedule them to be the least disruptive to your normal work schedule. Be sure to notify your supervisor of any upcoming appointments in advance.

What Happens To My Payroll Deductions?

Vermont Workers' Compensation payments are non-taxable income. These payments are not subject to the normal payroll deductions. The payroll division cannot make pre-taxed deductions from your workers' compensation benefits. You must arrange to pay for these pre-taxed deductions while receiving workers' compensation payments. In this way, you will be able to cover the amount of these pre-tax deductions.

You cannot have your medical insurance payments deducted from workers' compensation payments if the insurance is pre-taxed. If you do not elect to have your medical premium withheld on an after-tax basis, you must send the premiums to the Employee Benefit and Wellness Division to keep your coverage active. Again, contact the payroll office for assistance with these matters.

When Will My Temporary Disability Payments End?

Your temporary disability payments will end:

- when you have reached "Medical End Result";
- when a medical provider releases you to return to full-time work

MEDICAL END RESULT

What Is Medical End Result?

Medical End Result (MER) is when you have recovered from your injury to a point where significant improvement is not expected, regardless of treatment. You may still have pain and still need occasional treatment even if you have reached MER.

The terms Medical End, Medical End Result (MER), and Maximum Medical Improvement (MMI) all mean the same thing.

INDEPENDENT MEDICAL EVALUATION

What Is An Independent Medical Evaluation?

An Independent Medical Evaluation (IME) is an examination conducted by a physician selected by WCP. This physician cannot have treated you previously for your workers' compensation injury/illness. The purpose of the exam may be:

- to provide clarification about the cause of your injury
- to set up proper treatment plans
- to establish an appropriate work capacity
- to evaluate whether MER has been achieved
- to determine the extent of any permanent disability

PERMANENT DISABILITY BENEFITS

What Is Permanent Disability?

A permanent disability is a permanent impairment of function.

What Is A Permanent Impairment Rating?

A Permanent Impairment Rating (PIR) is a medical evaluation to assess permanent loss of function after you have reached MER. A physician rates your impairment using the 5th edition of the AMA Guide to the Evaluation of Permanent Impairment. *Not all injuries/illnesses will result in a permanent impairment.*

What If I Disagree With The PIR?

If you did not choose the physician who did the PIR, you can request an exam with another provider.

How Are My Permanent Disability Benefits Calculated?

Your adjuster will calculate these benefits based upon your PIR and your WCBR. For additional explanation, please contact VDOL.

How Are Permanent Disability Benefits Paid Out?

You will receive payment for a permanent disability either in a lump sum or on a bi-weekly basis. This payment is issued separate from your regular paycheck.

Does Workers' Compensation Provide Death Benefits?

Beneficiaries of an employee will receive death benefits if the death is because of a work-related injury. The employee's representative should contact WCP for more information.

RETURN TO WORK

What If I Have A Restricted Work Capacity?

Your medical provider will evaluate your ability to work. The physician will complete a Work Capabilities Form (VDOL Form 20). This form will provide the information necessary for a safe return to work. This may include a short-term change in assigned duties. This will allow you to remain a productive State employee while you are recovering.

What Is A Modified Duty Assignment?

Modified duty is a temporary change in your regular full duty job. This can consist of a change of duties or a reduction in the number of hours you work.

What Is An Alternate Duty Assignment?

Alternate duty is a temporary assignment of other duties that you are able to perform. This may or may not be in your original department.

When Will My Modified or Alternate Duty Assignment End?

Your modified or alternate duty assignment may end when:

- you are authorized to return to full duty by a medical provider
- you fail to adhere to restrictions
- circumstances require the short term job to be discontinued
- 90 days have elapsed
- you have reached MER

A modified or alternate duty assignment does not normally last for more than 90 days. In some situations, an extension beyond 90 days is possible for a defined period of time. There are situations that do not allow for a return to original employment due to permanent restrictions.

What If Permanent Work Restrictions Make Me Unable To Perform The Essential Functions of My Pre-Injury/Illness Job?

You may have some options if you reach MER and are still unable to perform the essential functions of your current position because of a work-related injury/illness. Some of these options appear below. *Contact your department's HR office for more information regarding your specific case.*

- Returning to work with a reasonable accommodation: You may request an accommodation in accordance with the State's Reasonable Accommodation policy (Policy 3.2).
- Use of Sick Leave: You may use sick leave balances as Family and Medical Leave in accordance with the law.
- Use of Annual, Personal, or Compensatory Leave: You may request use of other leave balances as Family and Medical Leave in accordance with the law.
- Request an unpaid medical leave of absence: You may request an unpaid medical leave of absence for up to six (6) months as Family and Medical Leave in accordance with the law.
- Medical Reduction in Force (RIF): You can find an explanation of the RIF process in the applicable collective bargaining agreement "Injury on the Job" Article. If you are unable to perform the essential functions of your current position after MER, your employer may begin the RIF process. The RIF process will not begin while on approved sick leave or an approved medical leave of absence.
- Retirement (disability or normal): You may wish to consider retirement if you are unable to work. Contact the Retirement Division of the state Treasurer's Office at (802) 828-2305 for more information.

VOCATIONAL REHABILITATION

Am I Entitled To Vocational Rehabilitation Benefits?

Vocational Rehabilitation helps you return to suitable employment.

You may be eligible for vocational rehabilitation benefits if you are unable to return to your previous job. Not everyone is eligible for these services. A Vocational Rehabilitation Counselor determines eligibility on a case-by-case basis. Your skills, education, and work history will affect eligibility.

OTHER STATE EMPLOYEE BENEFITS

What Happens With My Other Benefits?

If you are a permanent employee of the State of Vermont, workers' compensation wage replacement may affect the benefits listed below. For information on your specific benefits, you should contact your department's HR office. Many of the benefits mentioned are a part of one or more of the collective bargaining agreements. Some of the benefits may not apply to you depending on your job.

- Medical and Life insurance: It is your responsibility to arrange for payment of your health and life insurance premiums if you wish to continue coverage for yourself or family members.
- Shift bidding for corrections employees: Leaves of absence or time "off payroll" do not affect your seniority for length of your "continuous departmental service". Correctional officers absent on workers compensation may be able to participate in the shift/post bidding process. You should contact your facility to ask about the detail well in advance of the shift/post bidding process.
- Holiday pay (including floating holiday): If you are absent on an official state holiday you will receive your regular base salary without charge to your leave balance.
- Shift bidding for state police: If you are a trooper, your time out on workers' compensation does not affect shift-bidding seniority.
- Tuition reimbursement: A work-related injury/illness usually does not affect your tuition reimbursement benefit. One exception would be if you were unable to satisfactorily meet the requirements of the program.
- Snow season: If you are an Agency of Transportation employee absent during snow season because of a work-related injury/illness, you will not receive Snow Season Compensation during the time that you are not at work.
- Emergency Closing/Reduced Workforce Situations: You will receive regular workers' compensation wage replacement for that day.
- Annual and Sick and Personal Leave: In most circumstances, you will continue to earn annual and sick leave while receiving workers' compensation. *You must contact your department's HR office to verify how your annual and sick leave will accrue.*
- Personal Leave: You should receive no loss to your personal leave as a result of a work-related injury/illness.
- Assault pay: For an injury/illness resulting from an assault or other event as defined by the labor contracts, your payment will be the difference between base salary and workers' compensation benefit without charge to leave accruals.
- Under the special circumstances described below, you may also receive compensation:
 - (a) The injury/illness results from an assault (physical contact by a person, or by an animal). If injuries result from an incident in which the participants are State employees and willing combatants, this Article shall not apply.
 - (b) An Agency of Transportation employee or a state police officer injured in a highway accident. *You will not receive compensation if the Vermont Labor Relations Board (VLRB) finds that the employee's negligence was the cause of his or her injury/illness.*
 - (c) A state police officer or a fish and wildlife warden or a motor vehicle inspector suffers an injury in hot vehicular pursuit.
 - (d) A communications technician while climbing a free standing tower, including atop airport towers. (Not applicable to rooftops).
 - (e) The provisions of this Article may extend to other appropriate cases as, for example, to airport firefighters involved in a conflagration.
- Reduction in Force (RIF) Seniority: Time spent on unpaid medical leave of absence for workers' compensation reasons does not affect your RIF seniority.

What Happens To My Retirement?

As soon as you receive your first workers' compensation wage replacement payment, you should contact the Retirement Division at (802) 828-2305. Your service credit counted for your State of Vermont Retirement Benefits should not change.

The Retirement Division will need to know the beginning and ending dates of your injury/illness related absence. They will then restore your full salary and service credit for the period of absence. *Your retirement deductions cannot come from workers' compensation payments.*

CONTACT INFORMATION

**Department of Buildings & General Services
Office of State Employee
Workers' Compensation & Injury Prevention
6 Baldwin Street
Montpelier, VT 05633-3801
Tel: (802) 828-2899
Fax: (802) 828-0410
E-mail: riskhelp@state.vt.us
Website: http://bgs.vermont.gov/workers_comp**

**Department of Human Resources
Labor Relations Division
110 State Street, Drawer 20
Montpelier, VT 05620-3001
Tel: (802) 828-3454
Fax: (802) 828-3409
Website: <http://humanresources.vermont.gov>**

**Department of Labor
Workers' Compensation Division
5 Green Mountain Drive, PO Box 488
Montpelier, VT 05601-0488
Tel: (802) 828-2286
Fax: (802) 828-2195
Website: <http://labor.vermont.gov>**